APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,092	01/19/2004	Mitsuhiro Hirabayashi	450100-04887	2150

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EXAMINER
MOBIN, HASANUL

ART UNIT	PAPER NUMBER
2168	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Advisory Action **Before the Filing of an Appeal Brief**	10/760,092	HIRABAYASHI ET AL.
	Examiner	Art Unit
	HASANUL MOBIN	2168

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 April 2011 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

      Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

      NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: *1-9, 11-35, 37-41 and 43-50*.

   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.

13. ☐ Other: _____.

/Tim T. Vo/
Supervisory Patent Examiner, Art Unit 2168

/Hasanul Mobin/
Examiner, Art Unit 2168

Continuation of 11. does NOT place the application in condition for allowance because: In response to applicant's arguments on pages 25-27 that "wherein each of the respective files corresponding to a predetermined attribute selected from the plurality of attributes, and each of the plurality of respective files stores starting bytes and data lengths of entries corresponding to the predetermined attribute," as required in claim 1", is acknowledged but deemed not to be persuasive.

Hoffert, Col 6, lines 58-67 and Col 7, line 55 - Col 8, line 4 illustrates streaming media to obtain appropriate content attributes and header data, content attributes, content analysis. Furthermore, Hoffert, Col 7, lines 55-58 discloses content attributes (such as brightness, color or B/W, contrast, speech v. music and volume level. In addition, sampling rate, frame rate, number of tracks, data rate, size may be stored. Hoffert, Col 22, lines 17-28 also discloses total file size ranges that would be stored. File sizes are the predetermined attributes the files are stored based on size (i.e., bits and bytes and data length). Thus, Hoffert discloses the above limitation of claim 1. Since it appears that the argued limitation of claim 1 is either disclosed or suggested by the prior art of record Hoffert, the rejections given in the preceding office action are sustained.

In response to applicant's argument on page 27 that Inokuchi and Parulski, taken either alone or in combination, fail to disclose or teach that "classification means for classifying the block of extracted information included in each entry according to the plurality of attributes", as recited in claim 1", is acknowledged but deemed not to be persuasive.

The Examiner has given the meaning of the claim limitation "classification means for classifying the block of extracted information included in each entry, according to the plurality of attributes" its broadest reasonable interpretation. Parulski, Col 5, lines 50-56 and Col 6, lines 23-35 discloses the above limitation of claim 1. Parulski discloses that when the montage button 210 (FIG. 1) is pressed by the user, the CD reader moves to the index file data track and reads some of the data from the index image records into memory. Depending on the number of stored images indicated by the index file 31 (FIG. 2), either a single montage, or a plurality of montage images, may be stored into memory. That is extracting blocks of information into the memory according to plurality montage attributes such as high resolution or low resolution (i.e., the resolution of the images are the attributes of the images). Parulski discloses that the memory controller instructs column counter and row counter to replicate each pixel of the index image record for two pixel periods and two line periods, in order to display a full screen, but relatively low resolution, image. As the first index image record is being displayed, the second index image record is read from the disc to a second portion of memory. Once the second image has been read from the disc, it is displayed while a third image is read from the disc and written into memory, overwriting the data from the first image. In this manner, all of the images in the index image file 31 (FIG. 2) can be rapidly displayed on the TV display 72 of FIG. 3, at a rate of approximately one per second. That is, in order to display in the full screen, the block of retrieved images are being classified as first index, second index etc. and in this manner all of the images in the index image file are being displayed on the TV. Thus, Parulski discloses the above limitation of claim 1 and respectfully submitted herein above. The Examiner has shown that Parulski discloses the argued limitation "classification means for classifying the block of extracted information included in each entry, according to the plurality of attributes" of claim 1. Since it appears that the argued limitation of claim 1 is either disclosed or suggested by the prior art of record Parulski, the rejections given in the preceding office action are sustained.

In response to applicant's arguments on page 28 that "Applicants submit that claim 1 requires that "the plurality attributes include a property attribute, a text attribute, a thumbnail attribute, and an audio attribute"", is acknowledged but deemed not to be persuasive.

Hoffert, Col 7, lines 55-58 discloses Content attributes (such as brightness, color or B/W, contrast, speech v. music and volume level. In addition, sampling rate, frame rate, number of tracks, data rate, size may be stored). Furthermore, Col 24, lines 5-13 discloses that the visual search results are typically displayed as a multiple thumbnail images per row, and multiple filmstrips. Clicking on images, waveforms or filmstrips then takes users to new web pages where more information is described about the media content. Thus, Hoffert discloses the above limitation of claim 1. Since it appears that the argued limitation of claim 1 is either disclosed or suggested by the prior art of record Hoffert, the rejections given in the preceding office action are sustained.

In response to applicant's arguments on page 28 that "Hoffert is silent on the organization of the media rich index ... "the index file has an organization substantially the same as that of a QuickTime Movie file"", is acknowledged but deemed not to be persuasive.

Hoffert, Col 3, lines 4-22 and Figs. 2A-2C provides a description of a method for crawling and indexing a network to identify and index media files. HTML in the network is crawled to locate media files, block. Lexical information (i.e., textual descriptions) is located describing the media files and a media index is generated and Hoffert, Col 24, lines 38-67 and Col 28, lines 5-9 illustrates that these media files are to be QuickTime movie files to be able to play them back in a playback device (i.e., the index files are being organized as the same as that of the QuickTime movie files). Thus, Hoffert discloses the above limitation of claim 1. Since it appears that the argued limitation of claim 1 is either disclosed or suggested by the prior art of record Hoffert, the rejections given in the preceding office action are sustained..